



Entered on Docket
June 22, 2006

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for the Official Committee of Equity Security
Holders of USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

Date: June 21, 2006
Time: 9:30 a.m.
Place: Courtroom #1

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

**ORDER APPROVING APPLICATION PURSUANT TO FED. R. BANKR. P. 2014(A)
FOR ORDER UNDER SECTION 1103 OF THE BANKRUPTCY CODE AUTHORIZING
THE EMPLOYMENT AND RETENTION OF FTI CONSULTING, INC. AS FINANCIAL
ADVISORS TO THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
OF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC
NUNC PRO TUNC AS OF JUNE 9, 2006**

This Court, having considered the Application Pursuant to Fed. R. Bankr. P. 2014(a) for Order Under Section 1103 of the Bankruptcy Code Authorizing the Employment and Retention of FTI Consulting, Inc. as Financial Advisors to the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC *Nunc Pro Tunc* as of June 9, 2006 (the “FTI Application”), as filed by the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC (the “Diversified Committee”), being represented by Marc A. Levinson, Esq. of Orrick, Herrington & Sutcliffe LLP, and Anne M. Loraditch, Esq. of the law firm of Beckley Singleton, Chtd. at the hearing noted above; other appearances having been made upon the record; the FTI Application having been noticed to all creditors, investors and parties in interest pursuant to the Court’s previous orders; the pleadings, papers and records on file in this matter; no objections having been filed; and it appearing to the Court that the advisors and consultants at FTI Consulting, Inc. are disinterested persons who do not hold or represent an interest adverse to the Debtors’ estates in the matters upon which they are to be engaged, and that their employment for the purposes set forth in the FTI Application is in the best interest of USA Capital Diversified Trust Deed Fund, LLC and its estate; and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the FTI Application is granted, and the Diversified Committee is authorized to employ FTI as its financial advisors herein on the terms set forth in the FTI Application, and any further order the Court may issue, effective as of June 9, 2006.

RESPECTFULLY SUBMITTED BY:

APPROVED/DISAPPROVED:

BECKLEY SINGLETON, CHTD.

SCHWARTZER & MCPHERSON LAW FIRM

By: /s/ Brett A. Axelrod

By: /s/ Jeanette McPherson

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By: /s/ Rob Charles

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By: /s/ Candace C. Carlyon

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1 APPROVED/DISAPPROVED:

APPROVED/DISAPPROVED:

2 GORDON & SILVER, LTD.

OFFICE OF THE U.S. TRUSTEE

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8 *Counsel for the Official Committee of*
9 *Holders of Executory Contract Rights of*
10 *USA Commercial Mortgage Company*

Assistant United States Trustee

RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☒ approved the form of this order;
 - ☐ waived the right to review the order; and/or
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and
- the following have disapproved the form of the order:

n/a

- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

DATED this 21st day of June 2006.

BECKLEY SINGLETON, CHTD.

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